

UNITED STATES DISTRICT
SOUTHERN COURT OF NEW YORK
STATE

RECEIVED
OCT - 7 2020
PRO SE OFFICE

Michael Lee #3492201663 et. al. v. C.C.C.
PLAINTIFF(S) et. al.

- against -

Department of Corrections
Commissioner Cynthia Brannet. et. al.
Defendant(s) et. al.

U.S.C.A § 1983
CLASS ACTION
COMPLAINT

complaint # 20 cv 9483

#

Do you all want a jury
Trial ☒ Yes ☐ NO

NOTICE

The Public Can access electronic Court files. For
Privacy and Security reasons, Papers filed with the
Court should therefore not contain an individuals full
Social security numbers or full birth date. A filing
A filing may include only: the last four digits of a
Social security number, the year of an individuals
Birth and last four digits of a financial account number.
See FEDERAL RULE OF CIVIL PROCEDURE 5.2

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☒ Other: 8th Constitutional Amendment violation cruel and unusual punishment

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

<u>Michael</u>	<u>J.</u>	<u>Lee (See V. FACTS Herein, ie. Plaintiffs)</u>
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

3492001663

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Vernon C Baine Center

Current Place of Detention

1 Halleck St 2BA

Institutional Address

<u>Bronx</u>	<u>New York</u>	<u>10474</u>
County, City	State	Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced prisoner

☒ Other: Parole Hold or detainee

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

Cynthia Brann
 First Name Last Name Shield #
New York Department of Corrections Commissioner
 Current Job Title (or other identifying information)

 Current Work Address

 County, City State Zip Code

Defendant 2:

Patsy Yang
 First Name Last Name Shield #
Health Director Commissioner
 Current Job Title (or other identifying information)

 Current Work Address

 County, City State Zip Code

Defendant 3:

Margaret Egan
 First Name Last Name Shield #
Board of Correction Executive Director
 Current Job Title (or other identifying information)

 Current Work Address

 County, City State Zip Code

Defendant 4:

 First Name Last Name Shield #

 Current Job Title (or other identifying information)

 Current Work Address

 County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: Vernon C Baine Detention Center

Date(s) of occurrence: [REDACTED] - September, 2020, 23rd.

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

Plaintiff(s) listed below are "all" Being Constitutionally Violated by cruel and UNUSUAL punishment 8th Amendment... Prison officials MAY NOT Subject or force Inmates, pretrial detainee's et al. to Harsh, dangerous and or improper living Conditions... As a Group or Class bring identical U.S.C.A §1983 CLASS ACTION COMPLAINT:

<u>Michael Lee #3492001663</u>	<u>Walter WARE #441803480</u>
<u>Sonny Squire #4102000039</u>	<u>Shamar Cellaway #4412001754</u>
<u>Johnathan Martinez #34920001577</u>	<u>Keemal Cross #1411710237</u>
<u>Curtis Clark #1412002253</u>	<u>Deryck Brown #2411800501</u>
<u>Christopher Dejesus #1412002246</u>	<u>Hakiem Barrow #</u>
<u>Dewayne Boone #4412001752</u>	<u>Devon Parker # 9002000003</u>
<u>Frank Pagan #3492001603</u>	<u>Theodore Tucker #3492001370</u>
<u>Johnathan Stevens #1412002119</u>	<u>James Jackson #1411904148</u>
<u>Paul Reed #1412001725</u>	<u>Ricardo Gilcabrera #141200522</u>
<u>Josiah Pringle #1412001750</u>	<u>Emmanuel Rosario #3492001164</u>
<u>Carlos Bradley #3102000187</u>	<u>Manuel Velazquez #3492001339</u>
<u>Hopeton Prendergast #4411905343</u>	<u>Willet Davidson #3491905326</u>
<u>Willie Smith #8951900921</u>	<u>Darius Batts #3491904664</u>
<u>Raymond Salgado #1412001188</u>	<u>James Clark #141709283</u>
<u>Timothy Ward #2412001588</u>	<u>Cyril Sheppard #3492002011</u>
<u>Andre Fonseca #1412002023</u>	<u>Hakiem Barrow # 8252000054</u>

V. STATEMENT OF FACTS:

continued:

Michael Michael #4412000457

ANDRE' BOYD #4411901712

Carl

Henley #2411800815

Luis Molina #3001900157

Branding #3491907402

Lester Pearson #3002000233

Justin Manail #4411807062

Gill Graves #3002000211

Noel ~~██████████~~ Fernandez #4411904753

Timothy Linares #5412000200

Plaintiff's herein brought this matter to the Defendants' attention (see Exhibit A herein) On September 25th, 2020... That the Defendants... **DELIBERATELY** forced

Plaintiffs into an unsafe, harsh living Conditions after Defendant's acknowledged FACTS "On September 23rd,

2020 on PIX 11 Morning News", That either they lied

and made a Contrary Statement stating "They already have

15 Inmates per Unit or Dormitory's; or they acknowledge

that there's suppose to be ONLY 15 people on an Inside

gathering. Contrary to this Plaintiffs are in Housing units

2-3 times that amount or even up to Max Capacity 50

Inmates in less than 3-4 inches apart in sleeping areas.

All 50 Inmates share Toilets, sinks, and showers. Deeming this

during COVID-19 virus epidemic Improper and UnConstitutional

to Not just a Dangerous virus but a Deadly virus as aforementioned Defendants obviously acknowledge. To detain Plaintiffs during COVID-19 epidemic is C... Cruel and unusual Punishment... 3... Its as Saying as Detainees etc. are

not either vulnerable to Contracting this Deadly virus and

or were not human enough to be given same treatment

or afforded the same life saving opportunities, by "SOCIAL

DISTANCE", Mandates by N.Y.C Bill DeBlasio or Governor Andrew

Cuomo. The Reckless Disregards for human lives as Detainees

is present without Relief going into and wave. God Save our Souls.

V. STATEMENT OF FACTS: (Continued from pg. 5):

Additional Plaintiff ADD ONS: 2BB Housing unit

Frank Crawley # 2412001232

Mathew Karelefsky # 1411903366

Rampersaud Persaud # 4411904165

Christopher Johnson # 3492002320

Morris Tate # 2412001025

Eon Struthers # 5102000007

Jonathon Weaver # 1412001833

The ONLY Difference between 2BA Plaintiffs and 2BB Plaintiffs herein is ONLY the number of people in 2BB is between 40-50 max Capacity. But the "V. STATEMENT OF FACTS" are identical herein.

VI. INJURIES:

The Inmates and or detainee's listed in this Section

"INJURIES", have Contracted or been exposed to this DEADLY virus while in care and or Custody of the Defendants listed Herein, which were Isolated and treated for COVID-19 these Injured INMATES, and or DETAINEE'S Are:

Hopeton predergast #4411905343; DeVorn Parker #9002000003

(See Exhibit B herein)

VII. RELIEFS:

To have the Plaintiff(s) herein RIGHTS to be able to have Constitutional proper; Safe living Condition's, During the COVID-19 virus epidemic; 93 'New' Revised stipulations of approx 12ft distance between each person by CDC/Center for Disease Control; Reducing the CURRENT numbers 45-50 people down to the Number of 15 people or LESS on an inside gathering That's Defendants; Mayor Bill DeBlasio; and N.Y. Governor Andrew Cuomo State and OUTLINED for D.O.C.C.S Inmates; Detainees; and parole violaters that the following "Would be", released; R.O.R; and Reinstated etc. for Parole's. The First to be Released etc. see Supra. are:

- 1). Parolee's
- 2). Those 50 and or 60 years or older
- 3). Those with underlying Health Condition's that make them vulnerable to the virus
- 4). Those with non-violent charges); EXCEPT those who have violent charges with underlying health Conditions that make the vulnerable to the virus which District Attorney office would HAVE to CONSIDER weather its in the best of Interest of Justice to Release; OMISS; R.O.R detainee or not. Moreso

The Deliberate Action's by the Defendant(s) to place the Plaintiff(s) herein in harm's way that could or can cause DEATH from this DEADLY COVID-19 virus which is cruel and unusual punishment which violates the Plaintiff(s)

VII. RELIEFS

Continued:

Constitutional 8th AMENDMENT Right Therefore EACH Plaintiff Herein Should Receive \$150,000.00 dollars apiece from the Defendants; NEXT, The Plaintiff(s) who got Infected with this DEADLY COVID-19 Virus (see VI. INJURIES herein) from Defendants NEGLIGENCE is also an additional 8th Amendment violations of Cruel and Unusual punishment and a Direct result of Defendant(s) Deliberate/NEGLIGENCE there these particular Plaintiff(s) should Receive an additional Sum of \$150,000.00 dollars from Defendants.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied in forma pauperis status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>9/29/20</u>		<u>Michael J Lee</u>
Dated		Plaintiff's Signature
<u>Michael</u>	<u>J.</u>	<u>Lee</u>
First Name	Middle Initial	Last Name
<u>1 Halleck st 2BA</u>		
Prison Address		
<u>Bronx</u>	<u>New York</u>	<u>10474</u>
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: 9/29/20

VII. PLAINTIFFS CERTIFICATION AND WARNING

Continued:

9/29/20
DATED
1 Halleck St Bx, NY 10474
Prisoners Full Address

Carol Hughes
Plaintiff's Signature

9/29/20
DATED
1 Halleck St, Bx, NY 10474
Prisoners Full Address

Joseph Hyle
Plaintiff's Signature

9/29/20
DATED
1 Halleck St Bx, N.Y. 10474
Prisoners Full Address

Deanna Pappas
Plaintiff Signature

9/29/20
DATED
1 Halleck St Bx NY 10474
Prisoners Full Address

Carol Pappas
Plaintiff's signature

9/29/20
DATED
1 Halleck St Bx NY 10474
Prisoners Full Address

Willot Dawkins
Plaintiff's Signature

9/29/20
DATED
1 Halleck St, Bronx NY, 10474
Prisoners Full Address

Aluck B...
Plaintiff's signature

9/29/20
DATED
1 Halleck St Bx NY 10474
Prisoners Full Address

John Pappas
Plaintiff signature

9/29/20
DATED
1 Halleck St Bx, NY 10474
Prisoners Full Address

Paul Reed
Plaintiff's signature

9/29/20
DATED
1 Halleck St Bx, NY 10474
Prisoners Full Address

Theodore Tucker
Plaintiff's Signature

9/29/20
DATED
1 Halleck St Bx, NY 10474
Prisoners Full Address

Nad Aram...
Plaintiff's Signature

9/29/20
DATED
1 Halleck St Bx, NY 10474
Prisoners Full Address

Emmanuel Rosario
Plaintiff's Signature

VI. PLAINTIFFS CERTIFICATION AND WARNING

Continued:

9/29/20
DATED

Ronald Gilcaran
PLAINTIFFS SIGNATURE
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED

James Jackson
PLAINTIFFS SIGNATURE
1 Halleck St Bronx NY 10474
Prisoners Full Address

9/29/20
DATED

Robert E. Jackson
PLAINTIFFS SIGNATURE
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED

Carl Jewell
PLAINTIFFS SIGNATURE

1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED

James Clark
PLAINTIFFS SIGNATURE
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED

Andre Fonseca
PLAINTIFFS SIGNATURE

1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED

Jonathan Montano
PLAINTIFFS SIGNATURE
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED

Richard J. Montano
PLAINTIFFS SIGNATURE
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED

Reynold Cruz
PLAINTIFFS SIGNATURE
1 Halleck St Bx NY 10474
Prisoners Full Address

VII. PLAINTIFFS CERTIFICATION AND WARNING

Continued:

9/29/20
DATED

William Smith
Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474
Prisoners Full Address

9/29/20
DATED

Walter Ware
Plaintiff's Signature
1 Halleck St., Bronx, N.Y. 10474
Prisoners Full Address

9/29/20
DATED

Shanar Calloway
Plaintiff's Signature
1 Halleck St Bronx NY 10474
Prisoners Full Address

9/29/20
DATED

Fun Ward
Plaintiff's Signature
1 Halleck St Bronx, N.Y. 10474
Prisoners Full Address

9/29/20
DATED

Dewayne Boone
Plaintiff's Signature
1 Halleck St, Bronx NY 10474
Prisoners Full Address

9/29/20
DATED

Lester Pearson
Plaintiff's Signature
1 Halleck St Bronx NY 10474
Prisoners Full Address

9/29/20
DATED

Bill Graves
Plaintiff's Signature
1 Halleck St Bronx NY 10474
Prisoners Full Address

9/29/20
DATED

John Wren
Plaintiff's Signature
1 Halleck St Bronx NY 10474
Prisoners Full Address

9/29/20
DATED

J. Lence
Plaintiff's Signature
1 Halleck St Bronx, N.Y. 10474
Prisoners Full Address

VI. PLAINTIFFS CERTIFICATION AND WARNING

continued:

9/29/20
DATED

1 Halleck St. Bx, N.Y. 10474
Prisoners Full Address

[Signature]
Plaintiffs Signature

9/29/20
DATED

1 Halleck St Bx, N.Y. 10474
Prisoners Full Address

Manuel Velasquez
Plaintiffs Signature

9/29/20
DATED

1 Halleck St Bx, N.Y. 10474
Prisoners Full Address

Darius Bates
Plaintiffs Signature

9/29/20
DATED

1 Halleck St Bx, N.Y. 10474
Prisoners Full Address

Curis Clark
Plaintiffs Signature

9/29/20
DATED

1 Halleck St Bx, N.Y. 10474
Prisoners Full Address

[Signature]
Plaintiffs Signature

9/29/20
DATED

1 Halleck St Bx, N.Y. 10474
Prisoners Full Address

Christopher Denton
Plaintiffs Signature

9/29/20
DATED

1 Halleck St Bx NY 10474
Prisoners Full Address

Michael Motta
Plaintiffs Signature

9/29/20
DATED

1 Halleck St, Bronx, N.Y. 10474
Prisoners Full Address

Andre' Boyd
Plaintiffs Signature #441901712

DATED

Plaintiffs Signature

Prisoners Full Address



VII. PLAINTIFF'S CERTIFICATION AND WARNING

Continued:

9/29/20
DATED

Edward Branch
PLAINTIFFS Signature

1 Halleck Street Bronx, N.Y. 10474
Prisoners full Address

Matthew Karelesky

9/29/20
DATED

Joseph Nozdrun
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisoners full Address

9/29/20
DATED

Rampersad Persaud
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisoners full Address

9/29/20
DATED

Matt S. Tete
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisoners full Address

9/29/20
DATED

Jonathan Weare
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisoners full Address

9/29/20
DATED

Em Horton
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisoners full Address

9/29/20
DATED

Frank Crumley
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisoners full Address

9/29/20
DATED

Deanna Funder
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisoners full Address

9/29/20
DATED

Mr. Christopher
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisoners full Address

EXHIBIT A

*311 COMPLAINT

<u>Lester Pearson</u>	<u>EC-00194557</u>
NAME & Confirmation or Complaint #	
<u>Sally Cross</u>	<u>EC-00194558</u>
NAME & Confirmation or Complaint #	
<u>Horton Prendergast</u>	<u>EC-00194545</u>
NAME & Confirmation or Complaint #	
<u>Dwayne Boone</u>	<u>EC-001-94518</u>
NAME & Confirmation or Complaint #	
<u>Andre Fonseca</u>	<u>EC-00195582</u>
NAME & Confirmation or Complaint #	
<u>Justin Mancil</u>	<u>EC-0032121</u>
NAME & Confirmation or Complaint #	
<u>James Clark</u>	<u>EC-00194522</u>
NAME & Confirmation or Complaint #	
<u>Emmanuel Rosario</u>	<u>EC-00194531</u>
NAME & Confirmation or Complaint #	
<u>Willet Davidson</u>	<u>EC-DD-194543</u>
NAME & Confirmation or Complaint #	
<u>Luis Melias</u>	<u>EC-00194534</u>
NAME & Confirmation or Complaint #	
<u>Cyril Sheppard</u>	<u>EC-00194547</u>
NAME & Confirmation or Complaint #	
<u>Paul Reed</u>	<u>EB-00194515</u>
NAME & Confirmation or Complaint #	
<u>Jim Ward</u>	<u>EC-00194554</u>
NAME & Confirmation or Complaint #	
<u>Jonathan Stevens</u>	<u>EC-00194539</u>
NAME & Confirmation or Complaint #	
<u>Curtis Clark</u>	<u>EC-00194542</u>
NAME & Confirmation or Complaint #	
<u>Carl Henley</u>	<u>EC-00194530</u>
NAME & Confirmation or Complaint #	
<u>Keema Cross</u>	<u>EC-00194572</u>
NAME & Confirmation or Complaint #	
<u>Theodore Tucker</u>	<u>EC-001946</u>
NAME & Confirmation or Complaint #	
<u>Walter Ware</u>	<u>EC-00194569</u>
NAME & Confirmation or Complaint #	
<u>Willie Smith</u>	<u>EC-00194552</u>
NAME & Confirmation or Complaint #	
<u>Raymond Salgado</u>	<u>EC-00194812</u>
NAME & Confirmation or Complaint #	
<u>Johann Blandino</u>	<u>EC-00197475</u>
NAME & Confirmation or Complaint #	
<u>Manuel Volasquez</u>	<u>EC-00194573</u>
NAME & Confirmation or Complaint #	
<u>Devora Parker</u>	<u>EC-00194851</u>
NAME & Confirmation or Complaint #	

EXHIBIT A

Continued:

* 311 COMPLAINT

Hakim Barrow EC-00194876
NAME & Confirmation or Complaint #

Deryck Brown EC-00195076
NAME & Confirmation or Complaint #

Michael Lee EC-00195057
NAME & Confirmation or Complaint #

Darius Batts Did not or Refused give him
NAME & Confirmation or Complaint #

Frank Pagan Did not or Refused to give him
NAME & Confirmation or Complaint #

Josiah Pringle Did not or Refused give him
NAME & Confirmation or Complaint #

Shamar Calloway EC-00194689
NAME & Confirmation or Complaint #

Christopher Dejesus EC-0019511
NAME & Confirmation or Complaint #

Noel Fernandez EC-00195054
NAME & Confirmation or Complaint #

Ricardo Gilcarrera EC-00195326
NAME & Confirmation or Complaint #

Johnathon Martinez Did not give him
NAME & Confirmation or Complaint #

Timothy Linares Did not give him
NAME & Confirmation or Complaint #

Michael Mize EC-00194836
NAME & Confirmation or Complaint #

Sonny Squire Did not give him
NAME & Confirmation or Complaint #

Frank Crawley EC-00195473
NAME & Confirmation or Complaint #

Mathew Karefetsky EC-00195434
NAME & Confirmation or Complaint #

Ram Persaud Persaud Did not give him
NAME & Confirmation or Complaint #

Christopher Johnson EC-00195349
NAME & Confirmation or Complaint #

Morris Tate EC-00195479
NAME & Confirmation or Complaint #

Eon Struthers EC-00194455; EC-00183407
NAME & Confirmation or Complaint #

Sonathon Wender EC-00195783
NAME & Confirmation or Complaint #

UNITED STATES DISTRICT
SOUTHERN COURT OF NEW YORK
STATE

Michael Lee #3492001663 et al v LBC
PLAINTIFF(S) et al.

- against -

Department of Corrections
Commissioner Cynthia Bennett et al
Defendant(s) et al.

U.S.C.A § 1983
CLASS ACTION
COMPLAINT

complaint #

#

Do you all want a jury
trial ☒ Yes ☐ NO

NOTICE

The Public Can access electronic Court files. For
Privacy and security reasons, Papers filed with the
Court should therefore not contain an individuals full
Social Security numbers or full birth date. A filing
A filing may include only: the last four digits of a
Social Security number, the year of an individuals
Birth and last four Digits of a financial account number
See FEDERAL RULE OF CIVIL PROCEDURE 5.2

(1)

EXHIBIT B/PLAINTIFFS INJURIES

Under Penalty of Perjury I affirm the below statements etc. is true

3/21/20

DATE OF INJURY

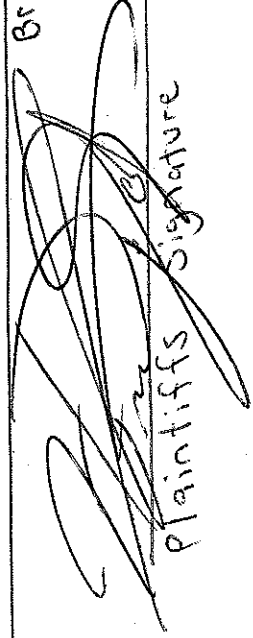
Hopeton Prndergast #441905343
Plaintiffs & B&C #

IO BIOR#102734188; Lab Site: BioReference

Laboratories, Inc; Physician Ordered: Kim Eun Lee

(Kimeag) (See # of References therein)

Brief Description, etc.

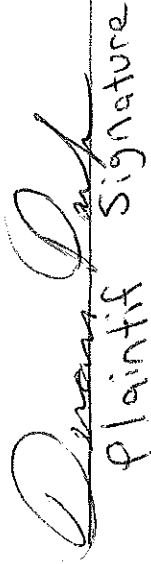

Plaintiffs Signature

approx. End March 2020
DATE OF INJURY

Devon Parker #9002000003
Plaintiffs name & B&C #

was denied a COVID-19 Test on Rikers Island
But went directly to Bellevue Hospital in Manhattan
New York where Doctors etc. al. Reported loss of
taste, smell and had enlarged heart valve was created
from contraction of Positive COVID-19 symptoms;
(i.e. Hospital visit in between middle August - beginning
September 2020)

Brief Description, etc.


Plaintiff Signature

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☒ Other: 8th Constitutional Amendment violation cruel and unusual punishment

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Michael J. Lee (see N. FACTS Herein, ie. Plaintiffs)
First Name Middle Initial Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

3492001663

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Vernor C Baine Center

Current Place of Detention

1 Halleck st 28A

Institutional Address

Bronx

County, City

New York

State

10474

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

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☒ Other: Parole Holders or detainee

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Defendant 1:

First Name	Cynthia	Last Name	Brown	Shield #	
Current Job Title (or other identifying information)					
New York Department of Corrections Commissioner					

Current Work Address

County, City	State	Zip Code
Patsy	Yan	
First Name	Last Name	Shield #
Health Director Commissioner		
Current Job Title (or other identifying information)		

Defendant 2:

Current Work Address

County, City	State	Zip Code
Margaret	Egan	
First Name	Last Name	Shield #
Board of Correction Executive Director		
Current Job Title (or other identifying information)		

Defendant 3:

Current Work Address

County, City	State	Zip Code
First Name	Last Name	Shield #
Current Job Title (or other identifying information)		

Defendant 4:

County, City	State	Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: Vernon C Baine Detention Center

Date(s) of occurrence: [REDACTED] - September, 2020, 23rd.

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

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violated by cruel and UNUSUAL punishment 8th Amend-
ment. Prison officials MAY NOT Subject or force inmates,
pretrial detainee's et.al. to Harsh, dangerous and or improper
living Conditions. As a Group or Class bring identical
U.S.C.A § 1983 CLASS ACTION COMPLAINT.

<u>Michael Lee # 3492001663</u>	<u>Walter NARE # 441803480</u>
<u>Sonny Squire # 4102000039</u>	<u>Shamar Callaway # 4412001754</u>
<u>Johnathan Martinez # 34920001517</u>	<u>Keemal Cross # 1411710237</u>
<u>Curtis Clark # 1412002253</u>	<u>Deryck Brown # 2411800501</u>
<u>Christopher DeJesus # 1412002246</u>	<u>Hakim Barrow #</u>
<u>Dewayne Boone # 4412001752</u>	<u>Denora Parker # 900200003</u>
<u>Frank Pagan # 3492001603</u>	<u>Theodore Tucker # 3492001370</u>
<u>Johnathan Stevens # 1412002119</u>	<u>James Jackson # 1411904748</u>
<u>Paul Reed # 1412001725</u>	<u>Ricardo Gilcresencia # 141200522</u>
<u>Josiah Pringle # 1412001750</u>	<u>Emmanuel Rosario # 3492001164</u>
<u>Carlos Bradley # 31020000187</u>	<u>Manuel Velasquez # 3492001339</u>
<u>Hopeton Prendergast # 4411905343</u>	<u>Willet Davidson # 3491965326</u>
<u>Willie Smith # 8951960921</u>	<u>Darius Batts # 3491904664</u>
<u>Raymond Salgado # 1412001188</u>	<u>James Clark # 1411709283</u>
<u>Timothy Ward # 2412001588</u>	<u>Cyrl Sheppard # 3492002201</u>
<u>Andre Fonseca # 14120022023</u>	<u>Hakim Barrow # 825000054</u>

(4)

V. STATEMENT OF FACTS:

Michael Manuel #4412000457

Andre' Boyd #4411901712

continued:

Carl Henley #2441800815

Luis Molina #3001900157

Brandyn #3491907402

Lester Pearson #3002000233

Justin Manail #441807062

Gill Graves #3002000211

Noel Hernandez #441904753

Timothy Linares #5412000200

Plaintiff's herein brought this matter to the Defendant's attention (see Exhibit A herein) on September 25th, 2020... That the Defendants... DELIBERATELY forced Plaintiffs into an unsafe, harsh living conditions after Defendant's acknowledged FACTS "On September 23rd, 2020 on PIX 11 Morning News", That either they lied and made a Contrary Statement stating "They already have 15 inmates per unit or dormitories; or they acknowledge that there's suppose to be ONLY 15 people on an Inside gathering. Contrary to this Plaintiffs are in Housing units 2-3 times that amount or even up to Max Capacity 50 inmates in less than 3-4 inches apart in sleeping areas. All 50 inmates share Toilets, sinks, and showers. Deeming this during COVID-19 virus epidemic Improper and UnConstitutional to Not just a Dangerous virus but a Deadly virus as aforementioned Defendants obviously acknowledge. To detain Plaintiffs during COVID-19 epidemic is C... Cruel and unusual Punishment... It's as Saying as Detainees etc. al. are not either vulnerable to Contracting this Deadly virus; and or were not human enough to be given the same human treatment or afforded the same life saving opportunities, by "SOCIAL DISTANCE" Mandates by Bill DeBlasio; and Governor Andrew Cuomo. The Reckless Disregard for human lives as Detainees is Present without Relief going into and wave God Save our Souls

(5)

VII. INJURIES.

The Inmates and or detainee's listed in this Section

"INJURIES", have Contracted or been exposed to this DEADLY

Virus while in care and or Custody of the Defendants listed

Herein, which were Isolated and treated for COVID-19 these

Injured INMATES; and or DETAINEE'S ARE:

Hopeton pre degast #4411905343; DeVorn Parker #903000003

(See Exhibit B herein)

VII RELIEFS:

To have the Plaintiff(s) herein RIGHTS to be able to have Constitutional proper; Safe living Condition's, During the COVID-19 Virus epidemic; as 'New' Revised stipulations of approx 12ft distance between each person by CDC/Center for Disease

Control; Reducing the CURRENT numbers 45-50 people down

to the Number of 15 people or LESS on an inside gathering

That's Defendants; Mayor Bill De Blasio; and N.Y. Governor

Andrew Cuomo State and OUTLINED for D.O.C.'S

Inmates; Detainees; and parole violaters that the following

"Would be", released; R.O.R.; and Reinstated etc. for parole's.

The First to be Released etc. see Supra. are:

1). Parolee's

2). Those 50 and or 60 years or older

3). Those with underlying Health Condition's that make them vulnerable to the virus

4). Those with non-violent charge(s); EXCEPT those who

have violent charges with underlying health Conditions that

make the vulnerable to the virus which District Attorney

office would HAVE to CONSIDER weather its in the best

of Interest of Justice to Release; DISMISS; R.O.R detainee

or not. MORESO

The Deliberate Action's by the Defendant(s) to place the

Plaintiff(s) herein in harm's way that could or can cause

DEATH from this DEADLY COVID-19 virus which is cruel

and unusual punishment which violates the Plaintiff(s)

(6)

V. STATEMENT OF FACTS: (continued from pg. 5):

Additional Plaintiff ADD ONS: 2BB Housing unit

Frank Crawley #2412001232

Mathew Kacela forky #1411903366

Rampersaud Persaud #4411904165

Christopher Johnson #3492002302

Morris Tate #2412001025

Eon Struthers #5102000007

Johnathon Weaver #1412001833

The ONLY Difference between 2BA Plaintiffs and 2BB Plaintiffs herein is ONLY the number of people in 2BB is between 40-50 max capacity. But the "V STATEMENT OF FACTS" are identical herein.

(5A)

VII. RELIEFS

Continued:

Constitutional 8th AMENDMENT Right Therefore EACH Plaintiff Herein Should Receive \$150,000.00 dollars apiece from the Defendants; NEXT, The Plaintiff(s) who got Infected with this DEADLY COVID-19 Virus (See VI. INJURIES herein) from Defendants NEGLIGENCE is also an additional 8th Amendment violation of Cruel and Unusual punishment and a Direct result of Defendant(s) Deliberate/NEGLIGENCE there these particular Plaintiff(s) should Receive an additional Sum of \$150,000.00 dollars from Defendants.

(17)

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>9/29/20</u>		<u>Michael J Lee</u>	Plaintiff's Signature
Dated			
<u>Michael</u>	<u>J.</u>	<u>Lee</u>	Last Name
First Name	Middle Initial		
<u>1 Hellick st apt A</u>			
Prison Address			
<u>Bronx</u>	<u>New York</u>	<u>10474</u>	Zip Code
County, City	State		

Date on which I am delivering this complaint to prison authorities for mailing: 9/29/20

(8)

VII. PLAINTIFFS CERTIFICATION AND WARNING

Continued:

9/29/20
DATED: Caryl Shaffer
PLAINTIFFS Signature
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED: Louise Hyle
PLAINTIFFS Signature
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED: Denise Parker
PLAINTIFF Signature
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED: Carol Bradley
PLAINTIFFS Signature
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED: Willie Dawkins
PLAINTIFFS Signature
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED: Mark Brown
PLAINTIFFS Signature
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED: Johnny Plaster
PLAINTIFF Signature
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED: Paul Reed
PLAINTIFFS Signature
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED: Theodore Tucker
PLAINTIFFS Signature
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED: Nad Arammba
PLAINTIFFS Signature
1 Halleck St Bx NY 10474
Prisoners Full Address

9/29/20
DATED: Emmanuel Rosario
PLAINTIFFS Signature
1 Halleck St Bx NY 10474
Prisoners Full Address

VIT. PLAINTIFFS CERTIFICATION AND WARNING

Continued:

9/29/20
DATED

1 Hallett St Bx NY 10474
Prisoners Full Address
Ronald Gil Carter
PLAINTIFFS SIGNATURE

9/29/20
DATED

1 Hallett St Bronx N.Y. 10474
Prisoners Full Address
James Johnson
PLAINTIFFS SIGNATURE

9/29/20
DATED

1 Hallett St Bx NY 10474
Prisoners Full Address
Harold Emdin
PLAINTIFFS SIGNATURE

9/29/20
DATED

Carl Jefferly
PLAINTIFFS SIGNATURE

1 Hallett St Bx NY 10474
Prisoners Full Address

9/29/20
DATED

James Clark
PLAINTIFFS SIGNATURE

1 Hallett St Bx NY 10474
Prisoners Full Address

9/29/20
DATED

Andre Fonseca
PLAINTIFFS SIGNATURE

1 Hallett St Bx NY 10474
Prisoners Full Address

9/29/20
DATED

Jonathan Morley
PLAINTIFFS SIGNATURE

1 Hallett St Bx NY 10474
Prisoners Full Address

9/29/20
DATED

Suben Datta
PLAINTIFFS SIGNATURE

1 Hallett St Bx NY 10474
Prisoners Full Address

9/29/20
DATED

Reemal Cox
PLAINTIFFS SIGNATURE

1 Hallett St Bx NY 10474
Prisoners Full Address

Continued:

William Smith
Plaintiff's Signature

9/29/20
DATED

29/20
DATED
1 Halleck St., Bronx, N.Y. 10474
Prisoners Full Address
Walter Ware
Plaintiffs Signature

(20) ShanAR Calloway plaintiffs Signature
BEAR Rockaway - 1 Hallett St BX NY 10472
Prisoners Full Address

[illegible]

9/29/20
DATED
1 Hallick St Bronx, N.Y. 10474
Prisoners Full Address
Plaintiffs Signature
Tun Ward

1 Hellick St Bronx, N.Y. 10474
Prisoners Full Address

Dewayne Boone
Plaintiff's Signature
1 Halleck St. Bronx N.Y. 10474
Prisoners Full Address

[illegible]

Lester Pearson - 3000000033
Plaintiffs Signature
1 Halleck St. Bronx N.Y. 10474
Prisoners Full Address

[illegible]

GILL GRAVES
Plaintiffs Signature
1 HAVILHAST BROOK NY 10474
Prisoners Full Address

Prisoners Full Address

Justin Merrill
Plaintiff's Signature

1 Hallock st bank NY 10474
Prisoners Full Address

J. Lince
Plaintiff's Signature

1. Halleck St. Bronx, N.Y. 10474	Prisoners Full Address
----------------------------------	------------------------

VII. PLAINTIFFS CERTIFICATION AND WARNING

continued:

9/29/20
DATED

1 Halleck St. Bx, N.Y. 10474
Prisoners Full Address

[Signature]
Plaintiffs Signature

9/29/20
DATED

1 Halleck St Bx, N.Y. 10474
Prisoners Full Address

Manuel Velasquez
Plaintiffs Signature

9/29/20
DATED

1 Halleck St Bx, N.Y. 10474
Prisoners Full Address

Darius Bates
Plaintiffs Signature

9/29/20
DATED

1 Halleck St Bx, N.Y. 10474
Prisoners Full Address

Curtis Clark
Plaintiffs Signature

9/29/20
DATED

1 Halleck St Bx, N.Y. 10474
Prisoners Full Address

[Signature]
Plaintiffs Signature

9/29/20
DATED

1 Halleck St Bx, N.Y. 10474
Prisoners Full Address

Charles Denton
Plaintiffs Signature

9/29/20
DATED

1 Halleck St Bx NY 10474
Prisoners Full Address

Michael [Signature]
Plaintiffs Signature

9/29/20
DATED

1 Halleck St, Bronx, N.Y. 10474
Prisoners Full Address

Andre [Signature]
Plaintiffs Signature #4411901712

DATED

Plaintiffs Signature

Prisoners Full Address



EXHIBIT A

Continued:

* 311 COMPLAINT

Hakim Barrow EC-00194876
NAME & Confirmation or Complaint #

Oeszyck Brown EC-00195076
NAME & Confirmation or Complaint #

Michael Lee EC-00195057
NAME & Confirmation or Complaint #

Darius Batts Did not give 1
NAME & Confirmation or Complaint #

Frank Pagan Did not give 1
NAME & Confirmation or Complaint #

Josiah Pringle Did not give
NAME & Confirmation or Complaint #

Shamar Calloway EC00194689
NAME & Confirmation or Complaint #

Christopher Dejesus EC0019511
NAME & Confirmation or Complaint #

Noel Fernandez EC/00195054
NAME & Confirmation or Complaint #

Ricardo Gilcabera EC00195326
NAME & Confirmation or Complaint #

Jonathan Martinez Did not give him one
NAME & Confirmation or Complaint #

Timothy Linares
NAME & Confirmation or Complaint #

Michael Mela EC-00194836
NAME & Confirmation or Complaint #

Sammy Squire Did not give him one
NAME & Confirmation or Complaint #

Frank Crawley EC-00195473
NAME & Confirmation or Complaint #

Matthew Karelesky EC-00195434
NAME & Confirmation or Complaint #

Ramersaud Persaud Did not give him one
NAME & Confirmation or Complaint #
Christopher Johnson EC00195349
NAME & Confirmation or Complaint #

Morris Tate EC-00195479
NAME & Confirmation or Complaint #

Eon Struthers EC-00194455; EC-00185407
NAME & Confirmation or Complaint #

Jonathan Weaver EC00195783
NAME & Confirmation or Complaint #

EXHIBIT A

*311 COMPLAINT

<u>Lester Pearson</u> <u>EC-00194557</u>	
NAME & Confirmation #	
<u>Silvestre</u> <u>EC-00194558</u>	
NAME & Confirmation or Complaint #	
<u>Horton Undergast</u> <u>EC-00194545</u>	
NAME & Confirmation or Complaint #	
<u>Dwayne Boone</u> <u>EC-001-94518</u>	
NAME & Confirmation or Complaint #	
<u>Andre Fonseca</u> <u>EC-00195552</u>	
NAME & Confirmation or Complaint #	
<u>Justin M. Etc</u> <u>0032121</u>	
NAME & Confirmation or Complaint #	
<u>James Clark</u> <u>EC00194522</u>	
NAME & Confirmation or Complaint #	
<u>Emmanuel Rosario</u> <u>EC00194531</u>	
NAME & Confirmation or Complaint #	
<u>Willet Davidson</u> <u>EC-DD-194543</u>	
NAME & Confirmation or Complaint #	
<u>Luis Polas</u> <u>EC00194534</u>	
NAME & Confirmation or Complaint #	
<u>Cyril Sheppard</u> <u>EC-00194547</u>	
NAME & Confirmation or Complaint #	
<u>Paul Reed</u> <u>EB-00194515</u>	
NAME & Confirmation or Complaint #	
<u>Jim Ward</u> <u>EC-00194554</u>	
NAME & Confirmation or Complaint #	
<u>Jonathan Stevens</u> <u>EC-00194539</u>	
NAME & Confirmation or Complaint #	
<u>Curtis Clark</u> <u>EC-00194542</u>	
NAME & Confirmation or Complaint #	
<u>Carl Henley</u> <u>EC-00194530</u>	
NAME & Confirmation or Complaint #	
<u>Keemal Cross</u> <u>EC-00194572</u>	
NAME & Confirmation or Complaint #	
<u>Theodore Tucker</u> <u>EC-001946</u>	
NAME & Confirmation or Complaint #	
<u>Walter Ware</u> <u>EC-00194569</u>	
NAME & Confirmation or Complaint #	
<u>Willie Smith</u> <u>EC-00194552</u>	
NAME & Confirmation or Complaint #	
<u>Raymond Salgado</u> <u>EC-00194812</u>	
NAME & Confirmation or Complaint #	
<u>Johnny Bland</u> <u>EC00197475</u>	
NAME & Confirmation or Complaint #	
<u>Manuel Velasco</u> <u>EC00194573</u>	
NAME & Confirmation or Complaint #	
<u>Devon Parker</u> <u>EC-00194851</u>	
NAME & Confirmation or Complaint #	

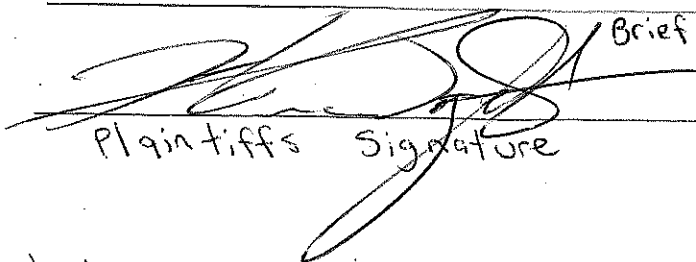
EXHIBIT B/ PLAINTIFF(S) INJURIES

* Under Penalty of Perjury I affirm the below Information is True *

3/21/20
DATE OF INJURY

Hopeton Prendergast #441905343
PLAINTIFFS NAME & B & C #

IO BIOA #102734188; Lab Site: BioReference
Laboratories, Inc; Physician ordered: Kim Eun
Lee (See # of References therein)

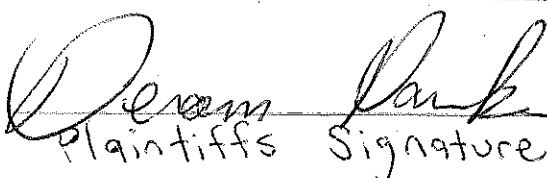

Plaintiffs Signature

Brief Description, etc.

approx. End March 2020
DATE OF INJURY

Devon Parker #9002000003
Plaintiffs Name & B & C #

was denied a COVID-19 Test on Rikers
Island. But went directly to Bellevue Hospital
in Manhattan New York where Doctors etc al,
Reported loss of taste, smell, and had enlarged
heart valves was created from contraction
of Positive COVID-19 symptoms (ie. Hospital
Visit in between middle August 2020 - Beginning
September, 2020).


Plaintiffs Signature

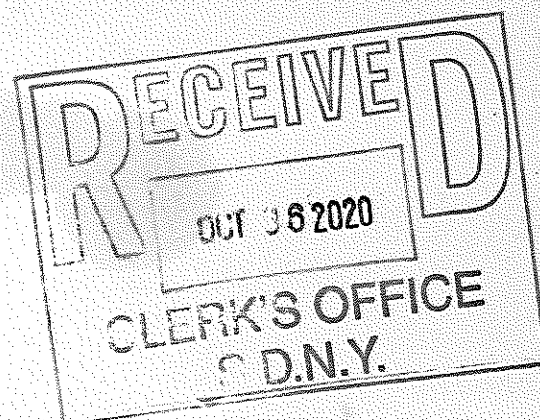
Brief Description, etc.

Michael Lee #3492001663
V.C.BC
1 Halleck Street
Bronx, N.Y.
10474



PRO SE INTAKE GP

USM²³
SDNY



CLERK OF COURT/
UNITED STATES
DISTRICT COURT
OF SOUTHERN DISTRICT
OF NEW YORK STATE
U.S. COURT HOUSE
500 Pearl Street
New York, New York 10007

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2020 OCT - 6 PM 2:23
CLERK'S OFFICE
U.S. DISTRICT COURT
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NEW YORK

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NEW YORK

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